

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JORGE ALEJANDRO ROJAS

Plaintiff/Counter-Defendant

v.

DV INJURY LAW PLLC, VENAR
RAAD AYAR and DANIEL
HELBRUN,

Defendants/Counter-Plaintiffs/
Third-Party Plaintiffs,

v.

MARK DOMBROWSKI,

Third-Party Defendant.

Case No. 23-cv-12140
Hon. Linda V. Parker

**PLAINTIFF/COUNTER-DEFENDANT, JORGE ALEJANDRO ROJAS',
ANSWER TO DEFENDANTS/COUNTER-PLAINTIFFS/THIRD-PARTY
PLAINTIFFS', CLASS ACTION COUNTERCLAIM AND THIRD-PARTY
COMPLAINT**

NOW COMES Plaintiff/Counter-Defendant, JORGE ALEJANDRO
ROJAS, by and through its attorneys, JOHNSTON, SZTYKIEL, HUNT,
FRASER, GOLD & BARRON, P.C. and for his Answer to the
Defendants/Counter-Plaintiffs/Third-Party Plaintiffs' Class Action Counterclaim
and Third-Party Complaint, states as follows:

1. Plaintiff/Counter-Defendant neither admits nor denies the allegations therein for lack of sufficient information to form a belief, and leaves Defendants/Counter-Plaintiffs/Third-Party Plaintiffs to their proofs.

2. Admitted.

3. Admitted.

4. Plaintiff/Counter-Defendant neither admits nor denies the allegations therein for lack of sufficient information to form a belief, and leaves Defendants/Counter-Plaintiffs/Third-Party Plaintiffs to their proofs.

5. Denied for the reason that same is untrue.

6. Plaintiff/Counter-Defendant neither admits nor denies the allegations therein for lack of sufficient information to form a belief, and leaves Defendants/Counter-Plaintiffs/Third-Party Plaintiffs to their proofs.

7. Denied for the reason that same is untrue.

8. Plaintiff/Counter-Defendant Rojas admits that his Complaint is based on the Telephone Consumer Protection Act of 1991 (TCPA) but denies for the reason untrue that he has committed fraud, scam or has misused the TCPA.

Plaintiff/Counter-Defendant Rojas further denies for the reason untrue that he has conspired with Third-Party Defendant Mark Dombrowski as he does not know who that is.

9. Denied for the reason that same is untrue. See Answer to ¶8.

10. Denied for the reason that same is untrue.

11. Plaintiff/Counter-Defendant neither admits nor denies the allegations therein for lack of sufficient information to form a belief, and leaves Defendants/Counter-Plaintiffs/Third-Party Plaintiffs to their proofs.

12. Plaintiff/Counter-Defendant neither admits nor denies the allegations therein for lack of sufficient information to form a belief, and leaves Defendants/Counter-Plaintiffs/Third-Party Plaintiffs to their proofs.

13. Plaintiff/Counter-Defendant neither admits nor denies the allegations therein for lack of sufficient information to form a belief, and leaves Defendants/Counter-Plaintiffs/Third-Party Plaintiffs to their proofs.

14. Denied for the reason that same is untrue. In further answer see Answer to ¶8.

15. Denied for the reason that same is untrue. In further answer see Answer to ¶8.

16. Denied for the reason that same is untrue. In further answer see Answer to ¶8.

17. Denied for the reason that same is untrue. In further answer see Answer to ¶8.

18. Denied for the reason that same is untrue. In further answer see Answer to ¶8.

19. Denied for the reason that same is untrue. In further answer see Answer to ¶8.

20. Denied for the reason that same is untrue. In further answer see Answer to ¶8.

21. Plaintiff/Counter-Defendant neither admits nor denies the allegations therein for lack of sufficient information to form a belief, and leaves Defendants/Counter-Plaintiffs/Third-Party Plaintiffs to their proofs.

22. Denied for the reason that same is untrue. In further answer see Answer to ¶8.

23. Denied for the reason that same is untrue. In further answer see Answer to ¶8.

24. Denied for the reason that same is untrue. In further answer see Answer to ¶8.

25. Denied for the reason that same is untrue.

WHEREFORE, Plaintiff/Counter-Defendant asks this Court to enter judgment of no cause of action and award attorney fees and costs as allowed by law.

**COUNT I – THE RACKETEERING AND
CORRUPT ORGANIZATIONS (RICO) ACT**

26. Plaintiff/Counter-Defendant realleges and reincorporates his Answers to ¶1 through ¶25 as though more fully set forth herein.

27. Answering ¶27, including subparagraphs (a) through (d), Plaintiff/Counter-Defendant denies the allegations for the reason that same are untrue.

WHEREFORE, Plaintiff/Counter-Defendants asks this Court to enter judgment of no cause of action and award attorney fees and costs as allowed by law.

COUNT II - FRAUD

28. Plaintiff/Counter-Defendant realleges and reincorporates his Answers to ¶1 through ¶27 as though more fully set forth herein.

29. Answering ¶29, including subparagraphs (a) through (d), Plaintiff/Counter-Defendant denies the allegations for the reason that same are untrue.

WHEREFORE, Plaintiff/Counter-Defendants asks this Court to enter judgment of no cause of action and award attorney fees and costs as allowed by law.

COUNT III – ABUSE OF PROCESS

30. Plaintiff/Counter-Defendant realleges and reincorporates his Answers to ¶1 through ¶29 as though more fully set forth herein.

31. Answering ¶31, including subparagraphs (a) through (c), Plaintiff/Counter-Defendant denies the allegations for the reason that same are untrue.

WHEREFORE, Plaintiff/Counter-Defendants asks this Court to enter judgment of no cause of action and award attorney fees and costs as allowed by law.

COUNT IV – DEFAMATION

32. Plaintiff/Counter-Defendant realleges and reincorporates his Answers to ¶1 through ¶31 as though more fully set forth herein.

33. Answering ¶33, including subparagraphs (a) through (d), Plaintiff/Counter-Defendant denies the allegations for the reason that same are untrue.

WHEREFORE, Plaintiff/Counter-Defendants askd this Court to enter judgment of no cause of action and award attorney fees and costs as allowed by law.

Respectfully submitted,

Law Offices of
JOHNSTON, SZTYKIEL & HUNT,
FRASER, GOLD & BARRON, P.C.

BY /s/ Jeanne V. Barron
JEANNE V. BARRON (P37138)
Attorney for Counter-Defendant Rojas
3250 West Big Beaver Road, #500
Troy, Michigan 48084
(248) 641-1800; Fax: (248) 641-3845
jbarron@jshlawmi.com

DATED: December 16, 2023

SPECIAL AFFIRMATIVE AND DEFENSES

NOW COMES Plaintiff/Counter-Defendant, JORGE ALEJANDRO ROJAS, by and through their attorneys, JOHNSTON, SZTYKIEL, HUNT, FRASER, GOLD & BARRON, P.C. and for its special, affirmative and other defenses as follows:

1. Defendants/Counter-Plaintiffs have failed to state a claim or cause of action, in whole or in part, upon which relief can be granted.
2. Defendants/Counter-Plaintiffs have failed, refused and/or neglected to plead adequate facts to properly establish a class action.

3. Defendants/Counter-Plaintiffs are barred, in whole or in part, due to the lack of good faith by Defendants/Counter-Plaintiffs.
4. Defendants/Counter-Plaintiffs claims are barred, in whole or in part, by their own wrongful, negligent, or improper conduct.
5. Defendants/Counter-Plaintiffs are barred, in whole or in part, by their own unclean hands.
6. Plaintiff/Counter Defendant, Rojas, does not know Third-Party Defendant, “Mark Dombrowski”, and therefore, could not be involved in a conspiracy. Plaintiff/Counter-Defendant will move to dismiss.
7. Defendants/Counter-Plaintiffs have failed to mitigate their damages.
8. Defendants/Counter-Plaintiffs alleged injuries were not proximately caused by the action of Plaintiff/Counter-Defendant; rather, their injuries were proximately caused by Defendants/Counter-Plaintiffs or a Third-Party.
9. Plaintiff/Counter-Defendant reserves the right to supplement and amend his Affirmative Defenses as necessary throughout the course of continuing discovery.

Respectfully submitted,

Law Offices of
JOHNSTON, SZTYKIEL & HUNT,
FRASER, GOLD & BARRON, P.C.

BY /s/ Jeanne V. Barron

JEANNE V. BARRON (P37138)
Attorney for Counter-Defendant Rojas
3250 West Big Beaver Road, #500
Troy, Michigan 48084
(248) 641-1800; Fax: (248) 641-3845
jbarron@jshlawmi.com

DATED: December 16, 2023

CERTIFICATE OF ELECTRONIC FILING WITH CM/ECEF

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on **December 18, 2023**

<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> Fax
<input type="checkbox"/> Hand Delivered	<input type="checkbox"/> UPS
<input type="checkbox"/> Federal Express	<input checked="" type="checkbox"/> Other/eFile

Signature /s/ Kourtney A. Hubenschmidt
Kourtney A. Hubenschmidt